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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2009-214

KATHY K. MCQUEEN, aka
KATHY LOUISE MCQUEEN
429 Treles Drive
Madison, Mississippi 39110
Registered Nurse License No. 575803

ACCUSATION

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

License History

2. On or about January 9, 2001, the Board issued Registered Nurse License Number 575803 ("license") to Kathy K. McQueen, also known as Kathy Louise McQueen ("Respondent"). The license expired on June 30, 2008, and has not been renewed.

JURISDICTION

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license.

6 5. Code section 118, subdivision (b), provides that the suspension,
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
8 proceed with a disciplinary action during the period within which the license may be renewed,
9 restored, reissued or reinstated.

10 **STATUTORY PROVISIONS**

11 6. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or
13 licensed nurse or deny an application for a certificate or license for any of
the following:

14 (a) Unprofessional conduct, which includes, but is not limited
15 to, the following:

16 (4) Denial of licensure, revocation, suspension, restriction, or
17 any other disciplinary action against a health care professional license or
18 certificate by another state or territory of the United States, by any other
government agency, or by another California health care professional
licensing board. A certified copy of the decision or judgment shall be
conclusive evidence of that action.

19 (f) Conviction of a felony or of any offense substantially
20 related to the qualifications, functions, and duties of a registered nurse, in
21 which event the record of the conviction shall be conclusive evidence
thereof.

22 7. Code section 2762 states, in pertinent part:

23 In addition to other acts constituting unprofessional conduct within
24 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

25 (b) Use any controlled substance as defined in Division 10
26 (commencing with Section 11000) of the Health and Safety Code, or any
27 dangerous drug or dangerous device as defined in Section 4022, or
28 alcoholic beverages, to an extent or in a manner dangerous or injurious to
himself or herself, any other person, or the public or the extent that such
use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the
6 conviction is conclusive evidence thereof.

7 **COST RECOVERY**

8 8. Code section 125.3 provides, in pertinent part, that the Board may request
9 the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Out-of-State Discipline)**

14 9. Respondent's license is subject to disciplinary action under Code section
15 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's
16 Registered Nurse License was disciplined by the Mississippi Board of Nursing ("Mississippi
17 Board"). In the case entitled, *In the Matter of Mississippi License No. R-667536 Issued to:*
18 *Kathy McQueen, Respondent*, effective October 20, 2008, Respondent's Registered Nurse
19 License No. R-667536 was revoked pursuant to Section 73-15-29 of the Mississippi Code of
20 1972. A copy of the Complaint, Findings of Fact, Conclusions of Law, and Final Order are
21 attached as Exhibit A and incorporated herein. The underlying circumstances of the revocation
22 are as follows:

- 23 a. Between October 30, 2005, and July 5, 2007, while on duty as a registered
24 nurse at Baptist Medical Center in Jackson, Mississippi, Respondent misappropriated controlled
25 substances from hospital supplies, to wit: Meperidine, Dilaudid, Hydrocodone, and Demerol.
26 b. Respondent failed and/or refused to submit any documentation verifying
27 compliance with the Louisiana Board-Approved Assessor's recommendation to enter into an
28 inpatient level of care for chemical and or alcohol dependency issues.

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3: Taking such other and further action as deemed necessary and proper.

DATED: 3/23/09

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant